

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MACK S. SMITH,	:	MOTION TO VACATE
	:	28 U.S.C. § 2255
Movant,	:	CRIMINAL ACTION NO.
vs.	:	1:08-CR-0043-3-CC-AJB
UNITED STATES OF AMERICA,	:	CIVIL ACTION NO.
	:	1:12-CV-3153-CC-AJB
Respondent.	:	

ORDER

This matter is before the Court on the Final Report and Recommendation [Doc. No. 256] issued by Magistrate Judge Alan J. Baverman on February 27, 2013, recommending that Movant Mack S. Smith's motion to vacate, set aside, or correct his federal sentence [Doc. No. 230] be denied and that a certificate of appealability be denied. The record reflects that no objections to the Final Report and Recommendation have been filed and that the time permitted for filing any such objections has elapsed.

Having conducted a plain error review in accordance with United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), the Court finds that the Final Report and Recommendation is correct both in fact and in law. Accordingly, the Court **ADOPTS** the Final Report and Recommendation as the decision of this Court. For the reasons set forth therein, the Court **DENIES** Movant's motion to vacate, set aside, or correct his federal sentence [Doc. No. 230] and **FURTHER DENIES** the issuance of a certificate of appealability.

SO ORDERED this 1st day of April, 2013.

s/ CLARENCE COOPER

CLARENCE COOPER
SENIOR UNITED STATES DISTRICT JUDGE